

AMENDED IN ASSEMBLY MARCH 22, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 413**

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**Introduced by Assembly Member Ruskin**

February 16, 2007

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An act to amend Section 23985.5 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL’S DIGEST

AB 413, as amended, Ruskin. Alcoholic beverages: licenses.

Under existing law, an applicant for a retail license to sell alcoholic beverages, at a premises that is not currently licensed or for a different retail license, is required to mail a notification of the application to every resident of real property within a 500-foot radius of the premises for which the license is to be issued. Existing law also requires that notification to also be mailed to every owner of real property in that area, if the local jurisdiction in which the license is to be issued provides the applicant, free of charge, with the names and addresses of the owners of the real property.

This bill would ~~expand the notification requirement to include instances of a change in ownership of the retail license. The bill would also require the applicant to mail notifications to residents and owners of real property via certified mail~~ *a method that offers proof of mailing*.

The Alcoholic Beverage Control Act provides that a violation of any of its provisions for which another penalty or punishment is not specifically provided is a misdemeanor. This bill would expand existing crimes by imposing additional duties on a licensee under the act, thus, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 23985.5 of the Business and Professions  
2 Code is amended to read:

3 23985.5. (a) Notwithstanding any other provision of this  
4 article, in any instance affecting the issuance of any retail license  
5 at a premises that is not currently licensed or for a different retail  
6 license, ~~or a change in the ownership of a retail license,~~ the  
7 department shall require that the applicant mail notification, by  
8 ~~certified mail~~ *a method that offers proof of mailing*, of the  
9 application to every resident and owner of real property within a  
10 500-foot radius of the premises for which the license is to be issued.

11 (b) The department shall require the applicant to provide  
12 notification to the owners of real property, as required in  
13 subdivision (a), only if the local jurisdiction in which the license  
14 is to be issued provides, free of charge, a list of the names and  
15 addresses of the owners to the applicant.

16 (c) For the notification required by subdivision (a), the  
17 department shall develop bilingual notices in English and Spanish.  
18 The notice shall include information on how to obtain the notice  
19 information in a minimum of three of the predominant languages  
20 other than English or Spanish in the state, according to the most  
21 recent United States decennial or special census information.

22 SEC. 2. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district will be incurred because this act creates a new crime or  
26 infraction, eliminates a crime or infraction, or changes the penalty  
27 for a crime or infraction, within the meaning of Section 17556 of  
28 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

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